



the underlying state court case. Neither party has filed an objection to the R & R, and the time period to do so has expired.<sup>1</sup>

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *accord Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

In his nine page R & R, the Magistrate Judge carefully reviewed the factual allegations and legal claims in both the complaint and the motion to dismiss and ultimately recommended dismissal of all claims against Defendants based on res judicata. This court finds the Magistrate Judge's decision well-reasoned and adopts the R & R and its recommendation in its entirety.

### CONCLUSION

For the foregoing reasons, the court hereby ADOPTS the Magistrate Judge's R & R as the court's Order and Opinion (Doc. 27), and GRANTS Defendants' motion to dismiss. (Doc. 22.)

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 10<sup>th</sup> day of September, 2015.



Christina Reiss, Chief Judge  
United States District Court

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<sup>1</sup> Plaintiff appealed the Magistrate Judge's R & R on May 21, 2015, which was sent to the Second Circuit on June 9, 2015. Plaintiff's appeal was dismissed on August 4, 2015. Based on the issuance of the mandate on August 4, 2015, the court ordered objections to the R & R to be filed by September 8, 2015.